

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY
AT JONESBOROUGH, TENNESSEE

Filed

2

day of

Dec

2022

at

2:45

o'clock

M

Brenda Downes, Clerk

CATHERINE DENISE SILVESTRO, }
Plaintiff, }
v. }
WALMART INC. }

Case no.: 41944
JURY DEMANDED

COMPLAINT

COMES NOW, your plaintiff, Catherine Denise Silvestro (hereinafter, "Plaintiff"), and, for Plaintiff's civil action against defendant, Walmart Inc., and states as claims the following:

Jurisdiction and Venue

1. The State of Tennessee has jurisdiction over the parties, and the Circuit Court for Washington County at Jonesborough, Tennessee is a proper venue for this action, because the Plaintiff resides, and the events giving rise to this action occurred, in Washington County, Tennessee.

The Parties

2. Plaintiff is a resident citizen of Washington County, Tennessee, having a residential address of 208 Vines Drive, Jonesborough, Tennessee 37659.

3. Walmart Inc. is an entity person, duly chartered by the State of Delaware. The events giving rise to this action occurred at Walmart, 2915 West Market Street, Johnson City, Tennessee 37604.

Facts

4. On or about the 8th day of February, 2022, the Plaintiff was shopping at Walmart, 2915 West Market Street, Johnson City, Tennessee 37604 when suddenly and without warning an object, to-wit: a glass jar of jelly, fell and struck her on her head, knocking her to the ground.

5. Immediately after being knocked to the ground by the object, and as a direct and proximate result of the falling jar striking her on the head, the Plaintiff was stricken with violent nausea.

6. Walmart employees took pictures and offered to call an ambulance.

EXHIBIT

tables

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I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL DOCUMENT AS IT APPEARS AT THE WASHINGTON COUNTY CIRCUIT COURT
BRENDA DOWNES, CLERK

D.C.

DEFENDANT'S COPY

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7. Plaintiff, instead, opted for her friend, Curt Sells, to pick her up and take her to the Franklin Woods Medical Center emergency room, where it was determined that the Plaintiff had suffered a concussion.

8. Plaintiff's concussion was directly and proximately caused by the impact of the jelly jar striking her on the head at Walmart as stated above.

9. Plaintiff suffered injuries to her knee as a direct and proximate cause of being knocked to the ground, which directly and proximately resulted from the sudden unexpected concussive impact from the falling jar.

10. Defendant owed the Plaintiff a duty to provide a premises free from dangerous falling objects.

11. Defendant's actions and/or omissions fell below the standard of care required to provide a premises free from dangerous falling objects.

12. Defendant's failure to arrange the store in such a manner as to provide the Plaintiff a premises free from dangerous falling objects, directly caused the jar to fall and strike the Plaintiff in the head.

DAMAGES

13. By the facts hereinbefore stated resulting directly from the negligence of the Defendant, the Defendant proximately injured Plaintiff, in the following ways:

a. Causing immediate harm to the physical health of the Plaintiff including but not limited to a concussion, along with resultant symptoms thereof, and lasting and irreparable injury to the knee;

b. Causing unnecessary and serious pain and suffering and serious mental anguish;

c. Causing loss of enjoyment of life;

d. Causing Plaintiff to incur expenses in costs of litigation and records collection and compilation;

e. Causing Plaintiff to have current and future need for medical advice and treatment to be relieved of the physical conditions caused by the falling jar.

WHEREFORE, Plaintiff prays for the following relief:

1. Award of compensatory damages against Walmart in the amount of \$250,000.00;
2. Award of court costs, including but not limited to reasonable attorney's fees;
3. For any such other, further, and general relief as to this Court is proper.

Respectfully submitted,


Catherine Denise Silvestro
CATHERINE DENISE SILVESTRO

By: _____
Richard Phillips, TN BPR no 027895
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Jonesborough, Tennessee 37659
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STATE OF TENNESSEE)
COUNTY OF WASHINGTON)

Personally appeared before me, the undersigned Notary Public, the above-named Plaintiff, Catherine Denise Silvestro who, after having been duly sworn according to law, did state that she had read the foregoing Complaint, and that it is true to the best of her knowledge, information, and belief this 1st day of December, 2022.



Debbie Rowe

NOTARY PUBLIC

My commission expires:

July 1, 2025

